

REMARKS

I. Introduction

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection of Claims 1, 5-6 And 8-12 Under 35 U.S.C. § 103

Claims 1, 5-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi et al. (JP Pub. No. 62-234878) in view of Sweetman et al. (USP No. 4,667,140) and further in view of Thomas et al. (US 2002/0079865). Applicants respectfully traverse the pending rejections for at least the following reasons.

With regard to the present disclosure, amended claim 1 recites a battery storing device comprising a battery storing section that can store a battery inside and has a heat retaining function of retaining heat of the battery that is stored inside using vacuum heat insulating material.

One feature of the present disclosure is that the battery is stored in a vacuum heat insulating material. Vacuum heat insulating materials have heat conduction coefficients on the order of 0.005 W/mK. By use of these materials, less space is used to insulate the battery, thereby reducing the size of the battery case.

It is alleged that Hashiguchi discloses a battery storing section in which the battery is stored using vacuum heat insulating material. However, Hashiguchi merely uses heat-insulating material, not vacuum heat-insulating material. There is no mention in Hashiguchi of a vacuum heat-insulating material. For example, as is disclosed on page 3 of the English translation of Hashiguchi, the “Application Example” utilizes Styrofoam for the heat-insulating material. As is well known in the art, Styrofoam is not a vacuum heat-insulating material, but rather, it is merely

a heat-insulating material, having a heat conduction coefficient on the order of 0.1 W/mK. As such, 20 times the amount of Styrofoam must be utilized to have the same insulation efficacy as that of vacuum heat insulating material of the present disclosure. Moreover, Sweetman and Thomas fail to remedy this deficiency. Accordingly, it is clear that the combination of Hashiguchi, Sweetman and Thomas fails to teach or suggest all of the limitations of claim 1 of the present disclosure.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As Hashiguchi, Sweetman and Thomas, at a minimum, fail to disclose or suggest a battery storing device comprising a battery storing section that can store a battery inside and has a heat retaining function of retaining heat of the battery that is stored inside using vacuum heat insulating material, it is clear that Hashiguchi, Sweetman and Thomas, alone or in combination, fail to render amended claim 1 obvious. As such, Applicants respectfully request that the § 103 rejection of amended claim 1, and all pending dependent claims thereon, be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

In addition, claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Lin (USP No. 6,826,792). Applicants traverse this rejection for at least the following reasons.

Claim 17 recites a battery storing device in which the heat conductor has a first heat conduction body disposed in an opening in a lid body; a second heat conduction body bonded to a heat insulation body; and a third heat conduction body, wherein the second heat conduction body is disposed between the first heat conduction body and the third heat conduction body.

It is alleged that Lin teaches a heat conductor that is bonded to the heat insulation body. However, nowhere in Lin is there any indication that the heat conductors 31 and 32 are bonded to a heat insulation body. In fact, no heat insulation body is referred to in the Office Action. Moreover, the heat conductors appear to be resting, not bonded to the cover 21 (see, Fig. 2 of Lin). However, even if the conductors were bonded to the cover 21, it is the **third** conductor that is bonded to the cover, not the second, because the second conductor is disposed in between the first and third conductors. In contrast, in the present disclosure the second heat conductor 27 is bonded to the heat insulation body 28 and disposed between the third heat conductor 29 and the first heat conductor 26 (see, Fig. 3A of drawings). Moreover, Hashiguchi, Sweetman and Thomas fail to remedy this deficiency. As such, it appears that the proposed combination of Hashiguchi, Sweetman, Thomas and Lin fails to disclose all of the limitations of claim 17. Accordingly, Applicants respectfully submit that claim 17 is allowable over the cited prior art.

IV. Conclusion

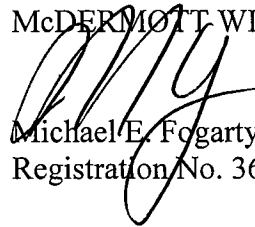
Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

Application No.: 10/523,972

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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